



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

AUG 17 2009

REPLY TO THE ATTENTION LINE

AE-17J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Gene Obrock, Vice President  
Henkel Corp  
7405 Production Drive  
Mentor, Ohio 44060

Dear Mr. Obrock:

The U.S. Environmental Protection Agency has determined that Henkel Corp's facility located at 7505 Production Drive, Mentor, Ohio (facility) is in violation of the Clean Air Act (CAA) and the Ohio State Implementation Plan (SIP). A list of the requirements violated is provided below. We are today issuing to you a Notice and Finding of Violation (NOV/FOV) for these violations.

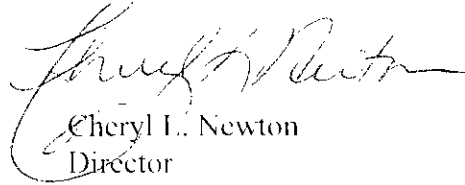
The CAA requires the development of Primary and Secondary National Ambient Air Quality Standards to protect public health and welfare. To attain and maintain these standards, each State is required to develop a federally enforceable state implementation plan (SIP). The CAA also requires EPA to develop National Emission Standards for Hazardous Air Pollutants (NESHAP) to protect the public from emissions of Hazardous Air Pollutants (HAPs).

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action. The option we select, in part, depends on the efforts taken by Henkel to correct the alleged violations and the timeframe in which you can demonstrate and maintain continuous compliance with the requirements cited in the NOV/FOV.

We are offering you the opportunity to request a conference with us about the violations alleged in the NOV/FOV. A conference should be requested within 10 days following receipt of this notice. A conference should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

This EPA contact in this matter is Shilpa Patel, Environmental Engineer. You may call her at (312) 886-0120 if you wish to request a conference. EPA hopes that this NOV FOV will encourage Henkel's compliance with the requirements of the Clean Air Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl L. Newton". The signature is fluid and cursive, with the first name being the most prominent.

Cheryl L. Newton  
Director  
Air and Radiation Division

Enclosure

cc: Ken Djukic, DAPC, NEDO

bcc: Jose DeLeon, ORC

IN THE MATTER OF:	)	
	)	
Henkel Corporation	)	<b>NOTICE OF VIOLATION AND</b>
Mentor, Ohio	)	<b>FINDING OF VIOLATION</b>
	)	
Proceedings Pursuant to	)	<b>EPA-5-09-OH-16</b>
the Clean Air Act,	)	
42 U.S.C. §§ 7401 et seq.	)	
	)	

Henkel Corporation (you or Henkel) owns and operates a miscellaneous coating manufacturing facility, at 7505 Production Drive, Mentor, Ohio.

## Regulatory Background

1. On December 11, 2003, EPA promulgated Subpart HHHHHH, 68 Fed. Reg. 69163. The Subpart HHHHHH regulations are applicable to any person who owns and/or operates a coating manufacturing facility that produces inks, paints, and adhesives and is located at a major source of Hazardous Air Pollutants (HAP) emissions. 40 C.F.R. § 63.7985
2. The following Subpart HHHHHH requirements are relevant to this NOV FOV:
  - a. 40 C.F.R § 63.8015 of Subpart HHHHHH states you must meet each requirement in Table 3 to this subpart. Table 3 requires you to implement a leak detection and repair program.
  - b. 40 C.F.R § 63.8080 of Subpart HHHHHH states you must keep the records required by subpart A of this part 63 and in referenced subparts SS, IT, UU, and WW of this part 63.
    - i. Subpart A of this part 63 requires you to implement a startup, shutdown, and malfunction plan.
    - ii. Subpart SS of this part 63 requires you to record condenser outlet temperatures.

- c. 40 C.F.R. § 63.8005(g) of Subpart HHHHH states you must install, calibrate and operate a flow indicator at the inlet or outlet of the control device to identify periods of no flow.
3. Henkel's PFI No. 02-22255 for finished product tanks P020, P021, and P022 states you must record condenser outlet temperatures.
4. EPA approved the Ohio Administrative Code (OAC) 3745-21-07 (G)(2) as part of the federally enforceable Ohio State Implementation Plan (SIP) on June 16, 1997. The Ohio SIP at OAC 3745-21-07 (G)(2) prohibits the release of more than 40 lbs/day of organic material into the atmosphere from any article, machine, equipment, or other contrivance for employing, applying, evaporating or drying any photochemically reactive material, or substance containing such photochemically reactive material, unless said discharge has been reduced by at least 85%. This provision is incorporated into Henkel's Title V permit for facility ID 02-43-08-1155 at Part III Section A.I.2.a.

### **Factual Background**

3. Henkel owns and/or operates a coating manufacturing facility that produces paints at its facility on 7505 Production Drive, Mentor Ohio.
4. Ohio Environmental Protection Agency (Ohio EPA) issued a Title V Permit to Henkel for its Mentor facility on March 9, 2001. Ohio EPA issued an amendment to the Title V permit on July 21, 2005.
5. Henkel operates Mixers P001, P002, P003, P005, P012, P015 and P017 at its 7505 Production Drive, Mentor, Ohio facility.
6. Henkel's Mixers P001, P002, P003, P005, P012, P015 and P017 are subject to Subpart HHHHH and OAC rule 3745-21-07 (G)(2).
7. On April 28, 2007 and July 30, 2007, Henkel submitted a Title V Compliance Certification for 2006 and a Semi-Annual Title V Report for the first half of 2007, respectively.

### **Explanation of Violations**

8. Henkel's Title V Compliance Certification for 2006 reported the following violations:
  - a. Henkel failed to implement a leak detection and repair program for Mixer P017 as required by 40 C.F.R. § 63.8015.
  - b. Henkel failed to implement a startup, shutdown and malfunction plan as required by 40 C.F.R. § 63.8080.

c. Henkel exceeded the daily organic compound (OC) emission limit of 40 lbs per day as required by OAC rule 3745-21-07(G)(2) on the following dates:

- i. April 7, 2006, 41 lbs/day of OC emissions;
- ii. April 20, 2006, 44.1 lbs/day of OC emissions; and
- iii. October 18, 2006, 43.9 lbs/day of OC emissions.

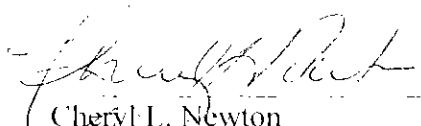
9. Henkel's Title V Compliance Certification for 2007 reported the following violations:

- a. Henkel failed to install and operate a control device flow indicator from January 1 through June 30, 2007 for Mixers P001, P002, P003, P012, P015 and P017 as required by 40 C.F.R. §63.8005(g).
- b. Henkel failed to calculate and record the daily average condenser outlet temperature from January 1 through June 30, 2007 for condensers associated with Mixers P001, P002, P012, and P015 as required by 40 C.F.R. §63.8080.
- c. Henkel failed to record the condenser outlet temperatures from January 1 through June 30, 2007 for condensers associated with Mixers P003, P017, P020, P021 and P022 as required by 63.998 (a)(2)(ii)(C)) and PTI 02-22255.

#### **Environmental Impact of Violations**

10. Violation of the NESHAP standards may cause serious health effects, such as birth defects and cancer, and harmful environmental and ecological effects.

8/14/09  
Date

  
Cheryl L. Newton  
Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

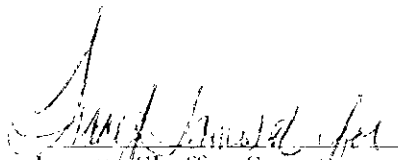
I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-09-OH-16, by Certified Mail, Return Receipt Requested, to:

Mr. Gene Obrock, Vice President  
Henkel Corp  
7405 Production Drive  
Mentor, Ohio 44060

I also certify that I sent copies of the Finding of Violation by first class mail to:

Ken Djukic  
Ohio Environmental Protection Agency  
Northeast District Office  
Division of Air Pollution Control  
2110 East Aurora Road  
Twinsburg, Ohio 44087

on the 17 day of August, 2009.

  
Loretta Shaffer, Secretary  
AECAS. (MN OH)

CERTIFIED MAIL RECEIPT NUMBER: 7601 1320 000 11675907